

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ALEXSAM, INC.

Plaintiff,

v.

J.C. PENNEY COMPANY, INC. and

J.C. PENNEY CORPORATION,

Defendants.

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Case No. 2:13-cv-0005-MHS-CMC

**MOTION FOR CONTINUANCE**

Now comes Alexsam, Inc. by and through its attorney, Thomas H. Watkins, who is appearing solely for the purpose of presenting this motion for continuance, and respectfully shows the Court the following:

1. Alexsam, Inc. is currently represented in this case by the firm of Fitch Even Tabin & Flannery (“FETF”) (and associated local counsel, Gillam & Smith). Alexsam has provided notice through the undersigned that it has terminated FETF’s representation. This notice has given rise to issues making it impossible for Alexsam and FETF to communicate and cooperate in a manner permitting adequate preparation for assertion of Alexsam’s claims and defenses at the trial scheduled for October 22, 2013. Alexsam, Inc. has hired Thomas H. Watkins to represent it in any related disputes which may arise with the Fitch Even Tabin & Flannery law firm.

2. Alexsam, Inc. is in the process of attempting to locate and retain new counsel to represent it in this case but cannot do so by the time of the trial setting. Alexsam hereby moves for leave of Court to substitute new counsel in place of FETF and Gillam & Smith to be selected by Alexsam for representation of Alexsam’s interests in this civil action.

3. By reason of the foregoing, Alexsam respectfully requests that this Motion for Continuance to be granted. This motion is not filed for the purpose of delay but so that justice may be done. Petitioner hereby requests a hearing on this motion.

Respectfully submitted,

**HUSCH BLACKWELL, L.L.P.**

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By /s/ Thomas H. Watkins

THOMAS H. WATKINS

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of October, 2013, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Eastern District of Texas, Marshall Division, via the CM/ECF system, which will send a notice of filing to all counsel of record who have consented to service by electronic means.

/s/ Thomas H. Watkins

Thomas H. Watkins

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that he will continue efforts to confer with opposing counsel to determine if counsel opposes this motion.

/s/ Thomas H. Watkins

Thomas H. Watkins